

INFORMATION PAPER

CECW-OD

8 April 1998

SUBJECT: Procedures for Performing Emergency / Urgent Maintenance Dredging - Raise the Flag

1. Purpose. To provide information on the hopper dredging response procedures that have been developed by the Industry/Corps Hopper Dredge Management Group (ICHDMG).

2. Facts.

a. Section 237 of the Water Resources Development Act of 1996, required the Corps to place the hopper dredge WHEELER in a Ready Reserve status beginning 1 October 1997. The WHEELER could be called out of ready reserve status if private industry has failed to submit a responsive and responsible bid for work advertised or to carry out the project as required pursuant to a contract. Section 237 also required the Corps to develop and implement procedures to ensure that, to the maximum extent practicable, private industry hopper dredge capacity is available to meet both routine and time-sensitive dredging needs which shall include scheduling of contract solicitations to effectively distribute dredging work throughout the dredging season and use expedited contracting procedures to allow dredges performing routine work to be made available to meet time-sensitive, urgent, or emergency needs.

b. A procedure termed "Raise the Flag" was developed by the ICHDMG that provides a mechanism to enable a rapid response to a district's need for time-sensitive, urgent, or emergency maintenance dredging. A copy of the Raise the Flag procedure is at Tab A.

c. The procedure, even though still in draft and not formally adopted, has been successfully used twice this Fiscal Year. Each time, the WHEELER was activated when all industry and Corps hopper dredges were engaged in dredging our nation's harbors.

d. The WHEELER was activated in January 1998, to respond to an urgent dredging request (Yellow Flag) from the Wilmington District for maintenance dredging at the Military Ocean Terminal at Sunny Point (MOTSU), North Carolina. This was during the Persian Gulf crisis. A military vessel was due at MOTSU in February and sufficient water depth was not available. The WHEELER was again activated in April 1998, when the Mississippi Valley Division Commander raised the red flag to Headquarters when a contractor's dredge was unable to be released from a maintenance dredging contract in Chesapeake Bay in order to report to the Mississippi River by 1 April. The Director of Civil Works concurred, and the WHEELER was activated and dredged the Mississippi River until the contractor's dredge arrived on 6 April.

e. The Raise the Flag procedures will be finalized and forwarded, under the Director of Civil Works signature, to each District and Division commander.

Jim Hilton / (202) 761-8830
Approved by: Charles Hess, Chief, CECW-O

PROCEDURES FOR RAISING THE FLAG

Pre-flag Procedures

Headquarters will update on a weekly basis the Corps and industry dredge schedule and bar charts. District, Divisions, and industry hopper dredge owners will identify a point of contact responsible for providing their dredge schedules and disseminating the weekly update within their organization. Districts through discussion with other Districts, Divisions and contractors will attempt to overcome the problem before it becomes an emergency/urgent requirement. Pre-flag position requires an elevated sensitivity.

- Districts that do not have expedited contract procedures in place, must develop them.

Raising the Flag Procedures

1. Raising the **yellow flag** is a signal to alert Division and Headquarter's that there is the possibility an emergency or urgent maintenance dredging job is in jeopardy of not being performed without assistance. The district must determine if the shoaling situation is an emergency or urgent.
2. An *emergency* is a situation which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action is not undertaken within a time period less than the normal dredge response time. Emergency contract procurement procedures are to be followed with either an emergency or urgent situation. If the chance of obtaining no bids or one bid due to contractor dredge commitments, the emergency / urgent contract should be structured, in coordination with local maritime interests, for the minimum dredging to return the channel to a safe navigation condition.
3. An *urgent* dredging requirement is a situation requiring prompt action, but does not meet the definition of an emergency. A contract bid opening that cannot be scheduled for 2 to 3 months, due to obtaining condition surveys, engineering and design, etc., is not considered an emergency and is borderline urgent. An expedited contract dredge should be on-site in a reasonable time frame not to exceed 30 days of being declared an emergency or urgent dredging requirement.
4. Raising the flag is a judgement call Commanders must make, based on the facts presented by their staff.
5. During the Division's raised flag (**yellow** and **red**) situation, Dredging and Navigation Branch and all ICHMG members should be kept informed via either telephone or e-mail, and all would be notified.

PROCEDURES FOR RAISING THE FLAG

DRAFT **Yellow Flag or Warning**

- Division and CECW-OD are notified, via e-mail, that an emergency or urgent maintenance dredging needs to be performed.
- The District Commander signs a Memorandum for the File determining an emergency or urgent dredging. The Rational for Emergency or Urgent Dredging form should be completed as an attachment to the memorandum. A copy of the signed memorandum and justification form are faxed to the Division and CECW-OD, as information.
- Division personnel play an important roll during the *yellow* flag.
 - a. All Districts / Division staff evaluates each on-going contract dredging operation, within their district / division, to make a recommendation to the Division Commander for allowing contractors to be temporarily released from their contract. Modification of the contract to extend the contract period, in the event the contractor is the successful bidder, would have to be at no additional cost to the Government, unless extenuating circumstances warrant. **(PARC input to address impact costs).**
 - b. All District / Division Commanders could take the initiative to allow contractors to bid on an emergency / urgent dredging, provided the district's on-going dredging contract provides safe navigation and an environmental window will not be violated. Prior to removal of a dredge from an existing contract, the District will ensure the local interests are informed of the plan of action.
 - c. Options for procurement are an IFB or a rapid-response RFP.
- If District / Division is unsuccessful in obtaining a contract, then the **red** flag is raised to Headquarters (Dredging and Navigation Branch).

Red Flag

- The Division Commander signs the Rational for Emergency or Urgent Dredging form. The form is faxed to the Dredging and Navigation Branch (202) 761-1685. A Memorandum for the File is also forwarded, summarizing attempts made to obtain adequate contract bidders. Any update to the District's emergency / urgent request should be provided.
- The Chief, Dredging and Navigation Branch or representative in the absence of the Branch Chief, will brief the Chief, Operations, Construction and Readiness Division and the Director of Civil Works on the situation and recommend a course of action. This will include a complete review of Division determinations regarding project emergency /

PROCEDURES FOR RAISING THE FLAG

DRAFT

urgent status and availability of industry dredges. Recommended courses of action may include procurement of industry dredges, use of minimum fleet, release of industry dredges from existing contractual commitments for participation in IFB or RFP processes, non-hopper dredge solutions and implementation of the CERF program.